

SOAH DOCKET NO. 473-16-4619.WS
P.U.C. DOCKET NO. 45870

COMPLAINT OF KER-SEVA LTD.
AGAINST THE CITY OF FRISCO

§
§
§

STATE OFFICE OF
ADMINISTRATIVE HEARINGS

RECEIVED

2016 DEC 30 PM 1:17
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO
THE ADC WEST RIDGE, L.P. AND THE CENTER FOR HOUSING RESOURCES, INC.
STAFF RFI NOS. 2-1 THROUGH 2-5

To: ADC West Ridge, L.P. and the Center for Housing Resources, Inc., through counsel of record, Leonard Dougal, Ali Abazari, and Mallory Beck, Jackson Walker L.L.P., 100 Congress Avenue, Suite 1100, Austin, Texas 78701

Commission Staff of the Public Utility Commission of Texas requests that ADC West Ridge, L.P. and the Center for Housing Resources, Inc. provide responses and produce documents in response to Staff's Second Request for Information.

Provide an original and three (3) copies of your responses to:

Public Utility Commission of Texas
Attention: Filing Clerk
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Date: December 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



Sam Chang
State Bar No. 24078333
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7261
(512) 936-7268 (facsimile)

**SOAH DOCKET NO. 473-16-4619.WS
P.U.C. DOCKET NO. 45870**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record December 30, 2016, in accordance with 16 TAC § 22.74.



Sam Chang

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO
THE ADC WEST RIDGE, L.P. AND THE CENTER FOR HOUSING RESOURCES, INC.
STAFF RFI NOS. 2-1 THROUGH 2-5**

INSTRUCTIONS

1. The Complainants' responses to Staff's 2nd RFI shall be provided within the time limit provided by the presiding officer or, if the presiding officer has not provided a time limit, within twenty (20) days.
2. The Complainants' responses to Staff's 2nd RFI shall be in sufficient detail to fully present all of the relevant facts.
3. Each response must be made under oath and identify the person that prepared the response or the person under whose direct supervision the response was prepared. Additionally, each response must also identify the sponsoring witness, if any.
4. Copy the specific question or document request immediately above each response. With respect to the production of documents, indicate the specific document request(s) to which the documents are being produced.
5. The Complainants have a continuing duty to supplement its responses to Staff's 2nd RFI if it acquires information upon the basis of which it knows or should know that the response was incorrect or incomplete when made or though correct or complete when made, is materially incorrect or incomplete. The Complainants shall amend their prior response within five (5) working days of acquiring the information.
6. If any responsive Document, Electronically Stored Information, or tangible item is withheld under any claim of privilege, provide a privilege log identifying each Document for which a privilege is claimed, together with the following information:
 - a. Date of the Document was created;
 - b. Subject matter of the Document; and
 - c. The basis upon which such privilege is claimed.
7. Electronically Stored Information and Documents in an electronic format shall be produced with metadata intact.
8. If the response to any request is voluminous, provide a detailed index of the voluminous material and the means by which Staff may obtain the voluminous material.
9. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
10. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

11. The terms “and” and “or” shall be construed as either conjunctive or conjunctive as necessary to make the request inclusive rather than exclusive
12. Documents produced in response to Staff’s 2nd RFI shall be Bates labeled.

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO
THE ADC WEST RIDGE, L.P. AND THE CENTER FOR HOUSING RESOURCES, INC.
STAFF RFI NOS. 2-1 THROUGH 2-5**

DEFINITIONS

1. "The City of Frisco" refers to the City of Frisco and any entity or person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
2. "Complainants" refer to ADC West Ridge, L.P. and the Center for Housing Resources, Inc., individually or collectively, any entity or person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
3. "Document" is used in its broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description, whether printed, produced, or reproduced by any process (visually, magnetically, mechanically, electronically, or by hand); whether a final draft, initial draft, original copy, or reproduction; whether claimed as privileged or otherwise excludable from discovery; and whether or not in your actual or constructive possession, custody, or control. The term includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to Electronically Stored Information, correspondence, e-mails, telegrams, contracts, agreements, notes in any form, memoranda, reports, invoices, ledgers, spreadsheets, data, models, diaries, compilations, voice recording tapes, microfilms, pictures, computer media, workpapers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession.
4. "Electronically Stored Information" means data that is created, altered, communicated, and stored in digital form.
5. "Lot 2" means the specific real property located at 9331 Westridge Boulevard, McKinney, Texas 75070.
6. "Qualified Service Applicant" shall have the same meaning as that in 16 Tex. Admin. Code § 24.85(a). Specifically, a "Qualified Service Applicant" is an applicant who has met all of the retail public utility's requirements contained in its tariff, schedule of rates, or service policies and regulations for extension of service including the delivery to the retail public utility of any service connection inspection certificates required by law."
7. "Regarding" includes the following meanings: relating to, pertaining to, concerning, discussing, mentioning, containing, reflecting, evidencing, describing, showing, identifying, providing, disproving, consisting of, supporting, or contracting in any way legally, logically, or factually connected with the matter to which the term refers or having a tendency to prove or disprove the matter to which the term refers.

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO
THE ADC WEST RIDGE, L.P. AND THE CENTER FOR HOUSING RESOURCES, INC.
STAFF RFI NOS. 2-1 THROUGH 2-5**

**STAFF RFI
NO. 2-1** State whether you submitted civil construction plans to the City of Frisco in order to receive service to Lot 2.

**STAFF RFI
NO. 2-2** List the remaining requirements that you must meet in order to become a Qualified Service Applicant.

**STAFF RFI
NO. 2-3** State whether you intend to submit a development application and civil construction plan to the Development Services Department of the City of Frisco in order to receive service to Lot 2.

**STAFF RFI
NO. 2-4** State whether it is your understanding that the City of Frisco's subdivision ordinance requires a developer to provide an extension of public facilities in accordance with the City of Frisco's engineering standards. If this is not your understanding of the City of Frisco's subdivision ordinance, provide an explanation of your understanding.

**STAFF RFI
NO. 2-5** State whether it is your understanding that the City of Frisco's subdivision ordinance requires you to dedicate easements and on/off site improvements necessary to adequately serve the Lot 2. If this is not your understanding of the City of Frisco's subdivision ordinance, provide an explanation of your understanding of the City of Frisco's subdivision ordinance as it relates to receiving service to Lot 2.